

Remarks

Applicants respectfully request that the present remarks be entered and made of record in the instant application. Claims 2-16, 18, 21-35 and 37 are pending in the application. Reconsideration of this Application is respectfully requested.

Double Patenting

Claims 2-6, 8-13, 15, 16, 18, 21-25, 27-32, 34 and 35 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 14 and 45-49 of U.S. Patent No. 6,720,140. Claims 2-6, 8-16, 18, 21-25, and 27-35 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 14 and 45-49 of U.S. Patent No. 6,720,140 in view of Baum et al. (J. Bacteriol., 176(10):2835-2845, 1994). And claims 2-13, 15, 16, 18, 21-32, 34, 35 and 37 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 14 and 45-49 of U.S. Patent No. 6,720,140 in view of U.S. Patent No. 6,225,121.

Filed with this reply is a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) disclaiming any term beyond the term of U.S. Patent No. 6,720,140, for any patent issuing from this application. In view of the submission of the Terminal Disclaimer, Applicants request reconsideration and withdrawal of the obviousness-type double patenting rejections identified above.

Conclusion

All of the stated grounds of rejection have been properly traversed, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Reply are respectfully requested.

Respectfully submitted,

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